

**Introduced by Committee on Local Government (Senators Cox
(Chair), Aanestad, Kehoe, Price, and Wiggins)**

January 25, 2010

An act to add Section 17624.5 to the Education Code, to amend Sections 23110, 23124, 31010.5, 31479.1, 34873, 34875, 34900, 34901, 36508, 36511, 36515, 36516.1, 36516.5, 36804, 36811, 65063.7, 65920, 66000.5, and 66031 of, and to add Sections 56103.5, 65107, 65801, and 66499.38 to, the Government Code, to amend Sections 33080.2, 40225, 40326, and 117065 of, and to add Section 33501.9 to, the Health and Safety Code, to amend Sections 20142, 20405, and 20688.6 of, and to add Sections 20614 and 20998 to, the Public Contract Code, to add Section 21167.9 to the Public Resources Code, to add Section 21670.6 to the Public Utilities Code, and to amend Section 35424 of the Water Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 894, as introduced, Committee on Local Government. Local Government Omnibus Act of 2010.

(1) Existing law authorizes the use of mediation in any action brought in the superior court relating to the approval or denial by a public agency of any development project, any act or decision of a public agency made pursuant to the California Environmental Quality Act, the failure of a public agency to meet the time limits specified by the Permit Streamlining Act or the Subdivision Map Act, fees levied against development projects by school districts or for construction or reconstruction of school facilities, fees for development projects, the adequacy of a general plan or specific plan, the validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law, the validity of any specified zoning decision, or the validity of any decision made pursuant by an Airport Land Use Commission, as specified.

This bill would include a cross reference to this authorization in each of the affected provisions.

(2) Existing law sets forth the boundaries of Merced and Fresno Counties, as specified.

This bill would revise those boundary descriptions to reflect the current boundaries of those counties.

(3) Existing law prohibits public offices from simultaneously holding two public offices that are incompatible subject to certain exception, including where the holding of a particular office is expressly authorized by law. Existing law specifies that service as an elected director of a recreation and park district is not considered an incompatible office with services on a municipal advisory council.

This bill would also provide that service on a community service district is not considered an incompatible office with service as a municipal advisory council.

(4) Existing law specifies that any statutory reference to “councilman” or “councilmen” also means and includes “councilwoman” or “councilwomen.” Under existing law, the terms “councilman” or “councilmen” are used in various provisions, including, among others, the election of councilmen by or from districts, appointments made by councilmen, and service by councilmen on regional district boards.

This bill would revise those provisions to instead refer to “councilmember.”

(5) Existing law requires a redevelopment agency to present an annual report to its legislative body within 6 months of the end of the agency’s fiscal year, and inform the legislative body of any major violations based on the independent financial audit report and that failure to correct a major violation may result in the filing of an action by the Attorney General.

This bill would revise these provisions to instead refer to any major audit violations.

(6) Existing law authorizes a public agency that owns and operates a reservoir used for domestic or drinking water to post a copy of its rules and regulations in the area opened to public fishing and other

recreational uses, and at least once in a newspaper of general circulation, as specified.

This bill would authorize an agency that amends its rules and regulations to similarly publish a summary of its amended rules and regulations, along with an Internet address and the physical location where the complete text of the amended rules and regulations may be viewed.

(7) Existing law authorizes the board of supervisors of a county to authorize the county engineer, or other county officer, to order changes or additions in the work being performed under construction contracts. For contracts whose original cost exceeds \$250,000, the extra cost for any change or addition to the work ordered may not exceed \$25,000 plus 5% of the amount of the original contract cost in excess of \$250,000, and in no event may a change or alteration cost exceed \$150,000.

This bill would raise the maximum amount of the cost of the change for a contract with an original cost in excess of \$250,000 from \$150,000 to \$210,000.

(8) Existing law authorizes a board of supervisors to contract for the construction, maintenance and repair of a county bridge or subway by awarding the contract to the lowest responsible bidder, as specified.

This bill would authorize a board of supervisors in specified counties to authorize the road commissioner or a registered civil engineer under the direction of the county director of transportation, to execute changes or additions to the work for any contract. The bill would limit a change in contracts of less than \$50,000 to a change amount not to exceed \$5,000, in contracts of more than \$50,000 but less than \$250,00 not to exceed 10% of the amount of the original contract, and for contracts of more than \$250,000 not to exceed \$25,000 plus 5% of the cost of the original contract, and not more than \$210,000.

(9) Existing law requires county waterworks districts to award all contracts in excess of \$3,500 to the lowest responsible bidder, except that contracts under \$7,500 may be awarded pursuant to informal bidding procedures established by the board, as specified.

This bill would authorize the board of supervisors of a county and the board of directors of the district, to authorize the general manager or other district officer to order changes or additions in work being performed under contracts entered into by the district. The bill would limit a change in contracts of less than \$50,000 not to exceed \$5,000, in contracts of more than \$50,000 but less than \$250,00 not to exceed

10% of the amount of the original contract, and for contracts of more than \$250,000 not to exceed \$25,000 plus 5% of the cost of the original contract, and in no event more than \$210,000.

(10) Existing law, until January 1, 2016, authorizes a redevelopment agency, with the approval of its duly constituted board in a public hearing, to enter into design-build contracts for projects, as defined, in excess of \$1,000,000, in accordance with specified provisions.

This bill would correct an incorrect cross reference in these provisions.

(11) Existing law requires the Los Angeles County Flood Control District to let to the lowest bidder all contracts for more than \$25,000, as specified, and does not authorize change orders to those contracts.

This bill would authorize the Los Angeles County Flood Control District to authorize the chief engineer or other district officer to order changes or additions in work being performed under contracts entered into by the district. The bill would limit a change in contracts of less than \$50,000 to a change amount not to exceed \$5,000, in contracts of more than \$50,000 but less than \$250,00 not to exceed 10% of the amount of the original contract, and for contracts of more than \$250,000 not to exceed \$25,000 plus 5% of the cost of the original contract, and not more than \$210,000.

(12) Existing law specifies that if a water district had published equitable rules and regulations for the distribution of water once a week for 2 weeks in a newspaper of general circulation published in each affected county, any violation of those rules and regulations is a misdemeanor subject to a specified fine.

This bill would authorize a water district to publish a summary of amendments to the rules and regulations with an Internet address and a physical location where the complete text of the amended rules and regulations may be viewed.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) This act shall be known and may be cited as
- 2 the Local Government Omnibus Act of 2010.
- 3 (b) The Legislature finds and declares that Californians want
- 4 their governments to run efficiently and economically and that
- 5 public officials should avoid waste and duplication whenever
- 6 possible. The Legislature further finds and declares that it desires

1 to control its own costs by reducing the number of separate bills.
2 Therefore, it is the intent of the Legislature in enacting this act to
3 combine several minor, noncontroversial statutory changes relating
4 to the common theme, purpose, and subject of local government
5 into a single measure.

6 SEC. 2. Section 17624.5 is added to the Education Code, to
7 read:

8 17624.5. Any action brought in the superior court relating to
9 this chapter may be subject to a mediation proceeding conducted
10 pursuant to Chapter 9.3 (commencing with Section 66030) of
11 Division 1 of Title 7 of the Government Code.

12 SEC. 3. Section 23110 of the Government Code is amended
13 to read:

14 23110. The boundaries of Fresno County are as follows:

15 Beginning on the south line of Merced at a point where said line
16 crosses the San Joaquin River; thence south, 45 degrees west, and
17 on the line of Merced, *to the centerline of a drain in the Southwest*
18 *Quarter of the Southwest Quarter of Section 6, T. 11 S., R. 13 E.,*
19 *M.D.B.&M; thence along said centerline southeasterly to the*
20 *centerline of Colony East Ditch Canal; thence southerly along*
21 *said centerline to the south line of the north half of the Southeast*
22 *Quarter of Section 7, said Township and Range; thence westerly*
23 *along said south line to the northeast corner of the west half of*
24 *the Southwest Quarter of said section; thence southerly along the*
25 *east line of said west half to the south line of said Section; thence*
26 *westerly along said line to the North Quarter corner of Section*
27 *18, said Township and Range; thence southerly along the*
28 *north-south centerline of Section 18 and Section 19 to the south*
29 *line of Section 19; thence westerly along said south line and the*
30 *south line of Sections 24 & 23 & 22 & 21 in T. 11 S., R. 12 E. to*
31 *a point that is south 45 degrees west from said line of Merced;*
32 *thence south 45 degrees west to the eastern boundary line of San*
33 *Benito; thence southeasterly along said boundary line to the eastern*
34 ~~boundary of Monterey, and continuing along said Monterey~~
35 ~~boundary in a~~ *the southeast corner of T. 16 S. R. 12 E.; thence*
36 *easterly along the south line of T. 16 S. to the northeast corner of*
37 *T.17S., R. 12 east; thence southerly along the east line of R. 12 E.*
38 *to the point where the summit line of the Coast Range Mountains*
39 *crosses the east line of R. 12 east and continuing along said San*
40 *Benito boundary along the summit line to Monterey; thence*

1 continuing along the Monterey boundary and said summit line in
2 a southerly and southeasterly direction, to a point in that boundary,
3 which point is south 45 degrees west from the point on Kings River
4 where the northern line of T. 16 S. crosses the Kings River; said
5 point being the common corner of Fresno, Monterey, and Kings;
6 ~~thence northeasterly on the northwestern boundary of Kings and~~
7 ~~Tulare to said point on the Kings River~~ said corner point defined
8 by survey recorded in Book 42 of Record of Surveys at Pages 57
9 and 58, Fresno County Records; thence along the Fresno-Kings
10 boundary, as defined by said survey north 47° 12' 09" east, to the
11 northwest corner of Section 19, T. 20 S., R. 19 E.; thence north
12 along the west line of R. 19 E. to the north line of T. 18 S.; thence
13 east along the north line of T. 18 S. to the centerline of Kings River;
14 thence easterly along the centerline of Kings River to the point
15 that intersects the south 45 degrees west boundary, said boundary
16 is south 45 degrees west from the point on Kings River where the
17 northern line of T. 16 S. crosses the Kings River; thence north 45
18 degrees east to the point on the Kings River where the northern
19 line of T. 16 S. crosses the Kings River; thence east along the
20 northern line of T. 16 S. and continuing on said line to the
21 northwest corner of T. 16 S., R. 25 E.; thence north to the northwest
22 corner of T. 15 S., R. 25 E.; thence east to the northeast corner of
23 T. 15 S., R. 27 E.; thence north to the northeast corner of T. 14 S.
24 of R. 27 E.; thence east on the line between T. 13 and 14 S. to the
25 summit of the Sierra Nevada Mountains, being the western line of
26 Inyo; thence northwesterly, on the summit line and lines of Inyo
27 and Mono, to the common corner of Mono, Madera, and Fresno;
28 ~~thence westerly and southwesterly on the southern line of Madera~~
29 ~~to southwesterly along the boundary of Madera to the point where~~
30 ~~the San Joaquin River crosses the south boundary line of T. 6 S.,~~
31 ~~R. 24 E.; thence southwesterly and northwesterly following the~~
32 ~~meanderings of said river to a point on the southerly boundary of~~
33 ~~Merced, said point being the common corner of Fresno, Madera,~~
34 ~~and Merced and the place of beginning.~~

35 SEC. 4. Section 23124 of the Government Code is amended
36 to read:

37 23124. The boundaries of Merced County are as follows:

38 Beginning at the northwest corner, being the southwest corner
39 of Stanislaus as shown on the survey map of A. J. Stakes, 1868;
40 thence northeasterly, on southern line of Stanislaus to common

corner of Tuolumne, Mariposa, Merced, and Stanislaus; thence southeasterly, by direct line, being western line of Mariposa, to Phillips' ferry, on Merced River; thence southeasterly, on line of Mariposa, being line shown on "map of Mariposa County," to Newton's crossing on Chowchilla Creek, forming the southeast corner; thence down the northern side and on highwater mark, being on line of Madera to the lower clump of cottonwood timber at the sink of said creek; thence south, 45 degrees ~~W.~~ west, to the centerline of a drain in the Southwest Quarter of the Southwest Quarter of Section 6, Township 11 South, Range 13 east, M.D.B.&M; thence along said centerline southeasterly to the centerline of Colony East Ditch Canal; thence southerly along said centerline to the south line of the Northwest Quarter of the Southeast Quarter of Section 7, said Township and Range; thence westerly along said south line to the northeast corner of the west half of the Southwest Quarter of said section; thence southerly along the east line of said west half to the south line of said Section; thence westerly along said line to the North Quarter corner of Section 18, said Township and Range; thence southerly along the north-south centerline of said Section and Section 19 to the south line of Section 19; thence westerly along said south line and the south line of Sections 24 & 23 & 22 & 21 in Township 11 south, Range 12 East to a point that is south 45 degrees west from said clump of Cottonwood timber; thence south 45 degrees west to the eastern line of San Benito, forming the southwest corner; thence northwesterly, by said line of San Benito and Santa Clara, to the place of beginning.

SEC. 5. Section 31010.5 of the Government Code is amended to read:

31010.5. (a) ~~Service as an elected director of a recreation and park district established pursuant to Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code as a~~ member of a governing board of a special district named in subdivision (b) shall not be considered an incompatible office with service on a municipal advisory council established pursuant to Section 31010.

(b) (1) A community services district established pursuant to the Community Services District Law, Division 3 (commencing with Section 61000) of Title 6.

1 (2) *A recreation and park district established pursuant to the*
2 *Recreation and Park District Law, Chapter 4 (commencing with*
3 *Section 5780) of Division 5 of the Public Resources Code.*

4 SEC. 6. Section 31479.1 of the Government Code is amended
5 to read:

6 31479.1. Notwithstanding Section 31479 an elective or
7 appointive county official may receive credit for service rendered
8 as a city ~~councilman~~ *councilmember* even though ~~such that~~ service
9 was not compensated.

10 This section shall not be operative in any county until it is
11 adopted by a majority vote of the board of supervisors.

12 SEC. 7. Section 34873 of the Government Code is amended
13 to read:

14 34873. An ordinance enacted pursuant to this article may be
15 amended or repealed in the same manner; provided, the term of
16 office of any ~~councilman~~ *councilmember* elected shall not be
17 affected.

18 SEC. 8. Section 34875 of the Government Code is amended
19 to read:

20 34875. The amendatory ordinance shall not be submitted to
21 the voters if (a) one or more of the legislative districts do not close,
22 (b) one or more entire legislative districts are eliminated prior to
23 the termination of the term of office of the ~~councilman~~
24 *councilmember* of or from the district, (c) the effect is that a greater
25 number of ~~councilmen~~ *councilmembers* will be qualified to hold
26 office concurrently than are authorized by this article or the
27 amendatory ordinance.

28 SEC. 9. Section 34900 of the Government Code is amended
29 to read:

30 34900. At any general municipal election, or at a special
31 election held for that purpose, the city council may submit to the
32 electors the question of whether electors shall thereafter elect a
33 mayor and four city ~~councilmen~~ *councilmembers*, and whether the
34 mayor shall serve a two-year or four-year term. In cities presently
35 having elected mayors, the city council may also submit to the
36 electors the question of whether the mayor shall thereafter serve
37 a two-year or a four-year term.

38 SEC. 10. Section 34901 of the Government Code is amended
39 to read:

1 34901. The questions shall be printed on the ballots used at
2 the election in substantially the following form:

3 “Shall the electors elect a mayor and four city ~~councilmen?~~”
4 *councilmembers?*”

5 “Shall the term of office of mayor be two years?”

6 “Shall the term of office of mayor be four years?”

7 The words “Yes” and “No” and “two years” and “four years” shall
8 be so printed on the ballots that the voters may express their choice.
9 The term of office of mayor shall be that preferred by a majority
10 of those voting on the proposition.

11 SEC. 11. Section 36508 of the Government Code is amended
12 to read:

13 36508. At any municipal election, or a special election held
14 for that purpose, the city council may submit to the electors the
15 question whether the elective officers, or any of them except
16 ~~councilmen~~ *councilmembers*, shall be appointed by the city council;
17 provided, however, that the city council shall not submit such
18 question to the electors more often than once in an 11-month
19 period.

20 SEC. 12. Section 36511 of the Government Code is amended
21 to read:

22 36511. The petition for incorporation of a city may provide
23 for the appointment of the elective officers, or any of them except
24 ~~councilmen~~ *councilmembers*. If it does, a separate election upon
25 the question need not be held, and upon incorporation the city
26 council shall appoint such officers.

27 SEC. 13. Section 36515 of the Government Code is amended
28 to read:

29 36515. The compensation of a city ~~councilman~~ *councilmember*
30 appointed or elected to fill a vacancy is the same as that payable
31 to the member whose office was vacated.

32 SEC. 14. Section 36516.1 of the Government Code is amended
33 to read:

34 36516.1. A mayor elected pursuant to Sections 34900 to 34904,
35 inclusive, of the Government Code may be provided with
36 compensation in addition to that which he *or she* receives as a
37 ~~councilman~~. ~~Such~~ *councilmember*. ~~That~~ additional compensation
38 may be provided by an ordinance adopted by the city council or
39 by a majority vote of the electors voting on the proposition at a
40 municipal election.

SEC. 15. Section 36516.5 of the Government Code is amended to read:

36516.5. A change in compensation does not apply to a ~~councilman~~ *councilmember* during ~~his the councilmember's~~ term of office; however, the prohibition herein expressed *office. This prohibition* shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of ~~such the city council~~ becomes eligible for a salary increase by virtue of ~~his the councilmember~~ beginning a new term of office.

SEC. 16. Section 36804 of the Government Code is amended to read:

36804. If the city clerk is absent, the deputy city clerk shall act. If there is none, the mayor shall appoint one of the ~~councilmen~~ *councilmembers* as city clerk pro tempore.

SEC. 17. Section 36811 of the Government Code is amended to read:

36811. If all ~~councilmen~~ *councilmembers* are absent from any regular meeting, the city clerk shall declare the meeting adjourned to a stated day and hour. ~~He~~ *The city clerk* shall cause a written notice of the adjournment to be delivered personally to each ~~councilman~~ *councilmember* at least three hours before the adjourned meeting.

SEC. 18. Section 56103.5 is added to the Government Code, to read:

56103.5. Any action brought in the superior court relating to this division may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030) of Division 1 of Title 7.

SEC. 19. Section 65063.7 of the Government Code is amended to read:

65063.7. No supervisor, mayor or city ~~councilman~~ *councilmember* shall hold office on the regional planning board after ceasing to hold the office of supervisor, mayor or city ~~councilman~~ *councilmember*, respectively, and ~~his that person's~~ membership on the board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city ~~councilman~~ *councilmember*, or city ~~councilman~~ *councilmember* who continues to hold office as mayor, shall not be considered to have ceased to hold office under this section.

1 SEC. 20. Section 65107 is added to the Government Code, to
2 read:

3 65107. Any action brought in the superior court relating to this
4 chapter may be subject to a mediation proceeding conducted
5 pursuant to Chapter 9.3 (commencing with Section 66030).

6 SEC. 21. Section 65801 is added to the Government Code, to
7 read:

8 65801. Any action brought in the superior court relating to this
9 chapter may be subject to a mediation proceeding conducted
10 pursuant to Chapter 9.3 (commencing with Section 66030).

11 SEC. 22. Section 65920 of the Government Code is amended
12 to read:

13 65920. (a) This chapter shall be known and may be cited as
14 the Permit Streamlining Act.

15 (b) Notwithstanding any other provision of law, the provisions
16 of this chapter shall apply to all public agencies to the extent
17 specified in this chapter, except that the time limits specified in
18 Division 2 (commencing with Section 66410) of Title 7 shall not
19 be extended by operation of this chapter.

20 (c) *Any action brought in the superior court relating to this*
21 *chapter may be subject to a mediation proceeding conducted*
22 *pursuant to Chapter 9.3 (commencing with Section 66030).*

23 SEC. 23. Section 66000.5 of the Government Code is amended
24 to read:

25 66000.5. (a) This chapter, Chapter 6 (commencing with
26 Section 66010), Chapter 7 (commencing with Section 66012),
27 Chapter 8 (commencing with Section 66016), and Chapter 9
28 (commencing with Section 66020) shall be known and may be
29 cited as the Mitigation Fee Act.

30 (b) *Any action brought in the superior court relating to the*
31 *Mitigation Fee Act may be subject to a mediation proceeding*
32 *conducted pursuant to Chapter 9.3 (commencing with Section*
33 *66030).*

34 SEC. 24. Section 66031 of the Government Code is amended
35 to read:

36 66031. (a) Notwithstanding any other provision of law, any
37 action brought in the superior court relating to any of the following
38 subjects may be subject to a mediation proceeding conducted
39 pursuant to this chapter:

1 (1) The approval or denial by a public agency of any
2 development project.

3 (2) Any act or decision of a public agency made pursuant to the
4 California Environmental Quality Act (Division 13 (commencing
5 with Section 21000) of the Public Resources Code).

6 (3) The failure of a public agency to meet the time limits
7 specified in Chapter 4.5 (commencing with Section 65920),
8 commonly known as the Permit Streamlining Act, or in the
9 Subdivision Map Act (Division 2 (commencing with Section
10 66410)).

11 (4) Fees determined pursuant to ~~Sections 53080 to 53082,~~
12 ~~inclusive, Chapter 6 (commencing with Section 17620) of Division~~
13 ~~1 of Part 10.5 of the Education Code~~ or Chapter 4.9 (commencing
14 with Section 65995).

15 (5) Fees determined pursuant to *the Mitigation Fee Act*, Chapter
16 5 (commencing with Section 66000), *Chapter 6 (commencing with*
17 *Section 66010)*, *Chapter 7 (commencing with Section 66012)*,
18 *Chapter 8 (commencing with Section 66016)*, and *Chapter 9*
19 *(commencing with Section 66020)*.

20 (6) The adequacy of a general plan or specific plan adopted
21 pursuant to Chapter 3 (commencing with Section 65100).

22 (7) The validity of any sphere of influence, urban service area,
23 change of organization or reorganization, or any other decision
24 made pursuant to the Cortese-Knox-Hertzberg Local Government
25 Reorganization Act of 2000 (Division 3 (commencing with Section
26 56000) of Title 5).

27 (8) The adoption or amendment of a redevelopment plan
28 pursuant to the Community Redevelopment Law (Part 1
29 (commencing with Section 33000) of Division 24 of the Health
30 and Safety Code).

31 (9) The validity of any zoning decision made pursuant to Chapter
32 4 (commencing with Section 65800).

33 (10) The validity of any decision made pursuant to Article 3.5
34 (commencing with Section 21670) of Chapter 4 of Part 1 of
35 Division 9 of the Public Utilities Code.

36 (b) Within five days after the deadline for the respondent or
37 defendant to file its reply to an action, the court may invite the
38 parties to consider resolving their dispute by selecting a mutually
39 acceptable person to serve as a mediator, or an organization or
40 agency to provide a mediator.

1 (c) In selecting a person to serve as a mediator, or an
2 organization or agency to provide a mediator, the parties shall
3 consider the following:

4 (1) The council of governments having jurisdiction in the county
5 where the dispute arose.

6 (2) Any subregional or countywide council of governments in
7 the county where the dispute arose.

8 (3) Any other person with experience or training in mediation
9 including those with experience in land use issues, or any other
10 organization or agency that can provide a person with experience
11 or training in mediation, including those with experience in land
12 use issues.

13 (d) If the court invites the parties to consider mediation, the
14 parties shall notify the court within 30 days if they have selected
15 a mutually acceptable person to serve as a mediator. If the parties
16 have not selected a mediator within 30 days, the action shall
17 proceed. The court shall not draw any implication, favorable or
18 otherwise, from the refusal by a party to accept the invitation by
19 the court to consider mediation. Nothing in this section shall
20 preclude the parties from using mediation at any other time while
21 the action is pending.

22 SEC. 25. Section 66499.38 is added to the Government Code,
23 to read:

24 66499.38. Any action brought in the superior court relating to
25 this division may be subject to a mediation proceeding conducted
26 pursuant to Chapter 9.3 (commencing with Section 66030) of
27 Division 1.

28 SEC. 26. Section 33080.2 of the Health and Safety Code is
29 amended to read:

30 33080.2. (a) When the agency presents the annual report to
31 the legislative body pursuant to Section 33080.1, the agency shall
32 inform the legislative body of any major *audit* violations of this
33 part based on the independent financial audit report. The agency
34 shall inform the legislative body that the failure to correct a major
35 *audit* violation of this part may result in the filing of an action by
36 the Attorney General pursuant to Section 33080.8.

37 (b) The legislative body shall review any report submitted
38 pursuant to Section 33080.1 and take any action it deems
39 appropriate on that report no later than the first meeting of the

1 legislative body occurring more than 21 days from the receipt of
2 the report.

3 SEC. 27. Section 33501.9 is added to the Health and Safety
4 Code, to read:

5 33501.9. Any action brought in the superior court relating to
6 the adoption or amendment of a redevelopment plan may be subject
7 to a mediation proceeding conducted pursuant to Chapter 9.3
8 (commencing with Section 66030) of Division 1 of Title 7 of the
9 Government Code.

10 SEC. 28. Section 40225 of the Health and Safety Code is
11 amended to read:

12 40225. No supervisor, mayor, or city—~~councilman~~
13 *councilmember* shall hold office on the bay district board for a
14 period of more than three months after ceasing to hold the office
15 of supervisor, mayor, or city—~~councilman~~ *councilmember*,
16 respectively, and his *or her* membership on the bay district board
17 shall thereafter be considered vacant, except that any mayor who
18 continues to hold office as a city—~~councilman~~ *councilmember*, or
19 any city—~~councilman~~ *councilmember* who continues to hold office
20 as a mayor, shall not be considered to have ceased to hold office
21 under this section.

22 SEC. 29. Section 40326 of the Health and Safety Code is
23 amended to read:

24 40326. No supervisor, mayor, or city—~~councilman~~
25 *councilmember* shall hold office on a regional district board for a
26 period of more than three months after ceasing to hold the office
27 of supervisor, mayor, or city—~~councilman~~ *councilmember*,
28 respectively, and his *or her* membership on the regional district
29 board shall thereafter be considered vacant, except that any mayor
30 who continues to hold office as a city—~~councilman~~ *councilmember*,
31 or any city—~~councilman~~ *councilmember* who continues to hold
32 office as a mayor, shall not be considered to have ceased to hold
33 office under this section.

34 SEC. 30. Section 117065 of the Health and Safety Code is
35 amended to read:

36 117065. The public agency shall cause a copy of the rules and
37 regulations to be posted upon the area opened to public fishing
38 and other recreational uses, and it shall cause the rules and
39 regulations to be published at least once in a newspaper of general
40 circulation published in the county in which the reservoir is in

1 whole or in part situated, if there be a newspaper, otherwise in a
2 newspaper of general circulation published within the area of the
3 public agency. ~~Such posting~~ *If a public agency amends its rules*
4 *and regulations, the public agency shall similarly publish a*
5 *summary of its amended rules and regulations, along with an*
6 *Internet address and the physical location where the complete text*
7 *of the amended rules and regulations may be viewed. Posting and*
8 publication shall be sufficient notice to all persons. The affidavit
9 of the secretary, clerk, or corresponding officer of the public agency
10 that the rules and regulations have been so posted and published
11 is prima facie evidence thereof. A copy of the rules and regulations,
12 attested by the secretary, clerk, or corresponding officer of the
13 public agency shall be prima facie evidence that the regulations
14 have been made by the public agency as provided by law.

15 SEC. 31. Section 20142 of the Public Contract Code is amended
16 to read:

17 20142. (a) The board of supervisors may, by ordinance,
18 resolution, or board order, authorize the county engineer, or other
19 county officer, to order changes or additions in the work being
20 performed under construction contracts. When so authorized, any
21 change or addition in the work shall be ordered in writing by the
22 county engineer, or other designated officer, and the extra cost to
23 the county for any change or addition to the work so ordered shall
24 not exceed five thousand dollars (\$5,000) when the total amount
25 of the original contract does not exceed fifty thousand dollars
26 (\$50,000), nor 10 percent of the amount of any original contract
27 that exceeds fifty thousand dollars (\$50,000), but does not exceed
28 two hundred fifty thousand dollars (\$250,000).

29 (b) For contracts whose original cost exceeds two hundred fifty
30 thousand dollars (\$250,000), the extra cost for any change or
31 addition to the work so ordered shall not exceed twenty-five
32 thousand dollars (\$25,000), plus 5 percent of the amount of the
33 original contract cost in excess of two hundred fifty thousand
34 dollars (\$250,000). In no event shall any such change or alteration
35 exceed ~~one hundred fifty thousand dollars (\$150,000)~~ *two hundred*
36 *ten thousand dollars (\$210,000)*.

37 SEC. 32. Section 20405 of the Public Contract Code is amended
38 to read:

39 20405. (a) The board shall afford all bidders an opportunity
40 to examine the plans, specifications, and working details, and shall

1 award the contract to the lowest responsible bidder. The board
2 may provide by resolution that the bids be opened, examined, and
3 declared by an officer designated in the resolution. The resolution
4 shall require that the bids be opened at a public meeting called by
5 the officer and that the results of the bidding be reported to the
6 board at a subsequent regular board meeting. The notice inviting
7 bids shall state the time and place of the public meeting and the
8 name of the designated officer.

9 (b) All bids for construction work shall be presented under
10 sealed cover and shall be accompanied by one of the following
11 forms of bidder's security:

- 12 (1) Cash.
- 13 (2) A cashier's check made payable to the county.
- 14 (3) A certified check made payable to the county.
- 15 (4) A bidder's bond executed by an admitted surety insurer,
16 made payable to the county.

17 Upon an award to the lowest bidder, the security of an
18 unsuccessful bidder shall be returned in a reasonable period of
19 time, but in no event shall that security be held by the county
20 beyond 60 days from the time the award is made.

21 (c) The person to whom the contract is awarded shall execute
22 a bond, approved by the board, for the faithful performance of the
23 contract. The person shall perform the work in accordance with
24 the plans, specifications, and working details, unless all or any of
25 them are modified by a four-fifths vote of the members of the
26 board. In that case, if the cost of the work is reduced by reason of
27 the modification, the person to whom the contract is awarded shall
28 make an allowance on the contract price to the extent of the
29 reduction.

30 (d) *In any county that has appointed a road commission*
31 *pursuant to Section 2006 of the Streets and Highways Code, or in*
32 *any county that has abolished the office of road commissioner and*
33 *complied with Section 2006.1 of the Streets and Highways Code,*
34 *the board may authorize the road commissioner, or a registered*
35 *civil engineer under the direction of the county director of*
36 *transportation, to execute changes or additions to the work for*
37 *any contract made pursuant to this article in an amount not to*
38 *exceed:*

1 (1) For contracts whose original cost is less than fifty thousand
2 dollars (\$50,000), the amount of the change or addition shall not
3 exceed five thousand dollars (\$5,000).

4 (2) For contracts whose original cost is fifty thousand dollars
5 (\$50,000), but less than two hundred fifty thousand dollars
6 (\$250,000), the amount of the change or addition shall not exceed
7 10 percent of the amount of the cost of the original contract.

8 (3) For contracts whose original cost is two hundred fifty
9 thousand dollars (\$250,000) or more, the amount of the change
10 or addition shall not exceed twenty-five thousand dollars (\$25,000),
11 plus 5 percent of the amount of the cost of the original contract
12 that is in excess of two hundred fifty thousand dollars (\$250,000).
13 In no event shall any change or addition exceed two hundred ten
14 thousand dollars (\$210,000).

15 SEC. 33. Section 20614 is added to the Public Contract Code,
16 to read:

17 20614. The board of supervisors and the board of directors of
18 the district, if any, may, by ordinance, resolution, or board order,
19 authorize the general manager or other district officer to order
20 changes or additions in the work being performed under contracts
21 made pursuant to this article in an amount not to exceed:

22 (a) For contracts whose original cost is less than fifty thousand
23 dollars (\$50,000), the amount of the change or addition shall not
24 exceed five thousand dollars (\$5,000).

25 (b) For contracts whose original cost is fifty thousand dollars
26 (\$50,000), but less than two hundred fifty thousand dollars
27 (\$250,000), the amount of the change or addition shall not exceed
28 10 percent of the amount of the cost of the original contract.

29 (c) For contracts whose original cost is two hundred fifty
30 thousand dollars (\$250,000) or more, the amount of the change or
31 addition shall not exceed twenty-five thousand dollars (\$25,000),
32 plus 5 percent of the of the amount of the cost of the original
33 contract that is in excess of two hundred fifty thousand dollars
34 (\$250,000). In no event shall any change or addition exceed two
35 hundred ten thousand dollars (\$210,000).

36 SEC. 34. Section 20688.6 of the Public Contract Code is
37 amended to read:

38 20688.6. (a) (1) Notwithstanding any other law, an agency,
39 with approval of its duly constituted board in a public hearing,
40 may utilize an alternative procedure for bidding on projects in the

1 community in excess of one million dollars (\$1,000,000) and may
2 award the project using either the lowest responsible bidder or by
3 best value.

4 (2) Only 10 design-build projects shall be authorized under this
5 section.

6 (b) (1) It is the intent of the Legislature to enable entities as
7 provided in Part 1 (commencing with Section 33000) of Division
8 24 of the Health and Safety Code to utilize design-build for those
9 infrastructure improvements authorized in Sections ~~33421 and~~
10 ~~33421~~, 33445, *and 33445.1* of the Health and Safety Code and
11 subject to the limitations on that authority described in Section
12 33421.1 of the Health and Safety Code.

13 (2) The Legislature also finds and declares that utilizing a
14 design-build contract requires a clear understanding of the roles
15 and responsibilities of each participant in the design-build process.

16 (3) (A) For contracts awarded prior to the effective date of
17 either the regulations adopted by the Department of Industrial
18 Relations pursuant to subdivision (b) of Section 1771.55 of the
19 Labor Code or the fees established by the department pursuant to
20 subparagraph (B), if the board elects to proceed under this section,
21 the board shall establish and enforce for design-build projects a
22 labor compliance program containing the requirements outlined
23 in Section 1771.5 of the Labor Code, or it shall contract with a
24 third party to operate a labor compliance program containing the
25 requirements outlined in Section 1771.5 of the Labor Code. This
26 requirement shall not apply to any project where the agency or the
27 design-build entity has entered into any collective bargaining
28 agreement or agreements that bind all of the contractors performing
29 work on the projects.

30 (B) For contracts awarded on or after the effective date of both
31 the regulations adopted by the Department of Industrial Relations
32 pursuant to subdivision (b) of Section 1771.55 of the Labor Code
33 and the fees established by the department pursuant to this
34 subparagraph, if the board elects to proceed under this section it
35 shall pay a fee to the department, in an amount that the department
36 shall establish, and as it may from time to time amend, sufficient
37 to support the department's costs in ensuring compliance with and
38 enforcing prevailing wage requirements on the project, and labor
39 compliance enforcement as set forth in subdivision (b) of Section
40 1771.55 of the Labor Code. All fees collected pursuant to this

1 subdivision shall be deposited in the State Public Works
2 Enforcement Fund, created by Section 1771.3 of the Labor Code,
3 and shall be used only for enforcement of prevailing wage
4 requirements on those projects.

5 (C) The Department of Industrial Relations may waive the fee
6 set forth in subdivision (b) for a board that has previously been
7 granted approval by the director to initiate and operate a labor
8 compliance program on its projects, and that requests to continue
9 to operate the labor compliance program on its projects in lieu of
10 labor compliance by the department pursuant to subdivision (b)
11 of Section 1771.55. This fee shall not be waived for a board that
12 contracts with a third party to initiate and enforce labor compliance
13 programs on the board's projects.

14 (c) As used in this section:

15 (1) "Best value" means a value determined by objective criteria
16 related to price, features, functions, and life-cycle costs.

17 (2) "Design-build" means a procurement process in which both
18 the design and construction of a project are procured from a single
19 entity.

20 (3) "Design-build entity" means a partnership, corporation, or
21 other legal entity that is able to provide appropriately licensed
22 contracting, architectural, and engineering services as needed
23 pursuant to a design-build contract.

24 (4) "Project" means those infrastructure improvements
25 authorized in Sections ~~33421 and 33455~~ 33421, 33445, and
26 33445.1 of the Health and Safety Code and subject to the
27 limitations and conditions on that authority described in Article
28 10 (commencing with Section 33420) and Article 11 (commencing
29 with Section 33430) of Chapter 4 of Part 1 of Division 24 of the
30 Health and Safety Code.

31 (d) Design-build projects shall progress in a four-step process,
32 as follows:

33 (1) (A) The agency shall prepare a set of documents setting
34 forth the scope of the project. The documents may include, but are
35 not limited to, the size, type, and desired design character of the
36 public improvement, performance specifications covering the
37 quality of materials, equipment, and workmanship, preliminary
38 plans or building layouts, or any other information deemed
39 necessary to describe adequately the agency's needs. The
40 performance specifications and any plans shall be prepared by a

1 design professional who is duly licensed and registered in
2 California.

3 (B) Any architect or engineer retained by the agency to assist
4 in the development of the project specific documents shall not be
5 eligible to participate in the preparation of a bid with any
6 design-build entity for that project.

7 (2) (A) Based on the documents prepared as described in
8 paragraph (1), the agency shall prepare a request for proposals that
9 invites interested parties to submit competitive sealed proposals
10 in the manner prescribed by the agency. The request for proposals
11 shall include, but is not limited to, the following elements:

12 (i) Identification of the basic scope and needs of the project or
13 contract, the expected cost range, and other information deemed
14 necessary by the agency to inform interested parties of the
15 contracting opportunity, to include the methodology that will be
16 used by the agency to evaluate proposals and specifically if the
17 contract will be awarded to the lowest responsible bidder.

18 (ii) Significant factors that the agency reasonably expects to
19 consider in evaluating proposals, including cost or price and all
20 nonprice-related factors.

21 (iii) The relative importance of the weight assigned to each of
22 the factors identified in the request for proposals.

23 (B) With respect to clause (iii) of subparagraph (A), if a
24 nonweighted system is used, the agency shall specifically disclose
25 whether all evaluation factors other than cost or price when
26 combined are:

27 (i) Significantly more important than cost or price.

28 (ii) Approximately equal in importance to cost or price.

29 (iii) Significantly less important than cost or price.

30 (C) If the agency chooses to reserve the right to hold discussions
31 or negotiations with responsive bidders, it shall so specify in the
32 request for proposal and shall publish separately or incorporate
33 into the request for proposal applicable rules and procedures to be
34 observed by the agency to ensure that any discussions or
35 negotiations are conducted in good faith.

36 (3) (A) The agency shall establish a procedure to prequalify
37 design-build entities using a standard questionnaire developed by
38 the agency. In preparing the questionnaire, the agency shall consult
39 with the construction industry, including representatives of the

1 building trades and surety industry. This questionnaire shall require
2 information including, but not limited to, all of the following:

3 (i) If the design-build entity is a partnership, limited partnership,
4 or other association, a listing of all of the partners, general partners,
5 or association members known at the time of bid submission who
6 will participate in the design-build contract, including, but not
7 limited to, mechanical subcontractors.

8 (ii) Evidence that the members of the design-build entity have
9 completed, or demonstrated the experience, competency, capability,
10 and capacity to complete, projects of similar size, scope, or
11 complexity, and that proposed key personnel have sufficient
12 experience and training to competently manage and complete the
13 design and construction of the project, as well as a financial
14 statement that assures the agency that the design-build entity has
15 the capacity to complete the project.

16 (iii) The licenses, registration, and credentials required to design
17 and construct the project, including information on the revocation
18 or suspension of any license, credential, or registration.

19 (iv) Evidence that establishes that the design-build entity has
20 the capacity to obtain all required payment and performance
21 bonding, liability insurance, and errors and omissions insurance.

22 (v) Any prior serious or willful violation of the California
23 Occupational Safety and Health Act of 1973, contained in Part 1
24 (commencing with Section 6300) of Division 5 of the Labor Code,
25 or the federal Occupational Safety and Health Act of 1970 (P.L.
26 91-596), settled against any member of the design-build entity,
27 and information concerning workers' compensation experience
28 history and worker safety program.

29 (vi) Information concerning any debarment, disqualification,
30 or removal from a federal, state, or local government public works
31 project. Any instance in which an entity, its owners, officers, or
32 managing employees submitted a bid on a public works project
33 and were found to be nonresponsive, or were found by an awarding
34 body not to be a responsible bidder.

35 (vii) Any instance in which the entity, or its owners, officers,
36 or managing employees, defaulted on a construction contract.

37 (viii) Any violations of the Contractors' State License Law
38 (Chapter 9 (commencing with Section 7000) of Division 3 of the
39 Business and Professions Code), including alleged violations of
40 federal or state law including the payment of wages, benefits,

1 apprenticeship requirements, or personal income tax withholding,
2 or of Federal Insurance Contributions Act (FICA) withholding
3 requirements settled against any member of the design-build entity.

4 (ix) Information concerning the bankruptcy or receivership of
5 any member of the design-build entity, including information
6 concerning any work completed by a surety.

7 (x) Information concerning all settled adverse claims, disputes,
8 or lawsuits between the owner of a public works project and any
9 member of the design-build entity during the five years preceding
10 submission of a bid pursuant to this section, in which the claim,
11 settlement, or judgment exceeds fifty thousand dollars (\$50,000).
12 Information shall also be provided concerning any work completed
13 by a surety during this period.

14 (xi) In the case of a partnership, joint venture, or an association
15 that is not a legal entity, a copy of the agreement creating the
16 partnership or association and specifying that all general partners,
17 joint venturers, or association members agree to be fully liable for
18 the performance under the design-build contract.

19 (B) The information required pursuant to this subdivision shall
20 be verified under oath by the entity and its members in the manner
21 in which civil pleadings in civil actions are verified. Information
22 that is not a public record pursuant to the California Public Records
23 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
24 of Title 1 of the Government Code) shall not be open to public
25 inspection.

26 (4) The agency shall establish a procedure for final selection of
27 the design-build entity. Selection shall be based on either of the
28 following criteria:

29 (A) A competitive bidding process resulting in lump-sum bids
30 by the prequalified design-build entities. Awards shall be made to
31 the lowest responsible bidder.

32 (B) An agency may use a design-build competition based upon
33 best value and other criteria set forth in paragraph (2). The
34 design-build competition shall include the following elements:

35 (i) Competitive proposals shall be evaluated by using only the
36 criteria and selection procedures specifically identified in the
37 request for proposal. However, the following minimum factors
38 shall each represent at least 10 percent of the total weight of
39 consideration given to all criteria factors: price, technical design

1 and construction expertise, life-cycle costs over 15 years or more,
2 skilled labor force availability, and acceptable safety record.

3 (ii) Once the evaluation is complete, the top three responsive
4 bidders shall be ranked sequentially from the most advantageous
5 to the least.

6 (iii) The award of the contract shall be made to the responsible
7 bidder whose proposal is determined, in writing, to be the most
8 advantageous.

9 (iv) Notwithstanding any provision of this code, upon issuance
10 of a contract award, the agency shall publicly announce its award,
11 identifying the contractor to whom the award is made, along with
12 a written decision supporting its contract award and stating the
13 basis of the award. The notice of award shall also include the
14 agency's second- and third-ranked design-build entities.

15 (v) For purposes of this paragraph, skilled labor force availability
16 shall be determined by the existence of an agreement with a
17 registered apprenticeship program, approved by the California
18 Apprenticeship Council, which has graduated apprentices in each
19 of the preceding five years. This graduation requirement shall not
20 apply to programs providing apprenticeship training for any craft
21 that has been deemed by the Department of Labor and the
22 Department of Industrial Relations to be an apprenticeable craft
23 in the five years prior to enactment of this act.

24 (vi) For purposes of this paragraph, a bidder's safety record
25 shall be deemed acceptable if its experience modification rate for
26 the most recent three-year period is an average of 1.00 or less, and
27 its average total recordable injury/illness rate and average lost
28 work rate for the most recent three-year period does not exceed
29 the applicable statistical standards for its business category or if
30 the bidder is a party to an alternative dispute resolution system as
31 provided for in Section 3201.5 of the Labor Code.

32 (e) (1) Any design-build entity that is selected to design and
33 build a project pursuant to this section shall possess or obtain
34 sufficient bonding to cover the contract amount for nondesign
35 services, and errors and omission insurance coverage sufficient to
36 cover all design and architectural services provided in the contract.
37 This section does not prohibit a general or engineering contractor
38 from being designated the lead entity on a design-build entity for
39 the purposes of purchasing necessary bonding to cover the activities
40 of the design-build entity.

1 (2) Any payment or performance bond written for the purposes
2 of this section shall be written using a bond form developed by
3 the agency.

4 (f) All subcontractors that were not listed by the design-build
5 entity in accordance with clause (i) of subparagraph (A) of
6 paragraph (3) of subdivision (d) shall be awarded by the
7 design-build entity in accordance with the design-build process
8 set forth by the agency in the design-build package. All
9 subcontractors bidding on contracts pursuant to this section shall
10 be afforded the protections contained in Chapter 4 (commencing
11 with Section 4100) of Part 1. The design-build entity shall do both
12 of the following:

13 (1) Provide public notice of the availability of work to be
14 subcontracted in accordance with the publication requirements
15 applicable to the competitive bidding process of the agency.

16 (2) Provide a fixed date and time on which the subcontracted
17 work will be awarded in accordance with the procedure established
18 pursuant to this section.

19 (g) The minimum performance criteria and design standards
20 established pursuant to paragraph (1) of subdivision (d) shall be
21 adhered to by the design-build entity. Any deviations from those
22 standards may only be allowed by written consent of the agency.

23 (h) The agency may retain the services of a design professional
24 or construction project manager, or both, throughout the course of
25 the project in order to ensure compliance with this section.

26 (i) Contracts awarded pursuant to this section shall be valid until
27 the project is completed.

28 (j) Nothing in this section is intended to affect, expand, alter,
29 or limit any rights or remedies otherwise available at law.

30 (k) (1) If the agency elects to award a project pursuant to this
31 section, retention proceeds withheld by the agency from the
32 design-build entity shall not exceed 5 percent if a performance and
33 payment bond, issued by an admitted surety insurer, is required in
34 the solicitation of bids.

35 (2) In a contract between the design-build entity and the
36 subcontractor, and in a contract between a subcontractor and any
37 subcontractor thereunder, the percentage of the retention proceeds
38 withheld shall not exceed the percentage specified in the contract
39 between the agency and the design-build entity. If the design-build
40 entity provides written notice to any subcontractor who is not a

1 member of the design-build entity, prior to or at the time the bid
2 is requested, that a bond may be required and the subcontractor
3 subsequently is unable or refuses to furnish a bond to the
4 design-build entity, then the design-build entity may withhold
5 retention proceeds in excess of the percentage specified in the
6 contract between the agency and the design-build entity from any
7 payment made by the design-build entity to the subcontractor.

8 (l) Each agency that elects to proceed under this section and
9 uses the design-build method on a public works project shall submit
10 to the Legislative Analyst's Office before December 1, 2014, a
11 report containing a description of each public works project
12 procured through the design-build process after January 1, 2010,
13 and before November 1, 2014. The report shall include, but shall
14 not be limited to, all of the following information:

- 15 (1) The type of project.
- 16 (2) The gross square footage of the project.
- 17 (3) The design-build entity that was awarded the project.
- 18 (4) Where appropriate, the estimated and actual length of time
19 to complete the project.
- 20 (5) The estimated and actual project costs.
- 21 (6) A description of any written protests concerning any aspect
22 of the solicitation, bid, proposal, or award of the design-build
23 project, including the resolution of the protests.
- 24 (7) An assessment of the prequalification process and criteria.
- 25 (8) An assessment of the effect of retaining 5-percent retention
26 on the project.
- 27 (9) A description of the labor force compliance program and an
28 assessment of the project impact, where required.
- 29 (10) A description of the method used to award the contract. If
30 best value was the method, the report shall describe the factors
31 used to evaluate the bid, including the weighting of each factor
32 and an assessment of the effectiveness of the methodology.
- 33 (11) An assessment of the project impact of skilled labor force
34 availability.
- 35 (12) An assessment of the design-build dollar limits on agency
36 projects. This assessment shall include projects where the agency
37 wanted to use design-build and was precluded by the dollar
38 limitation. This assessment shall also include projects where the
39 best value method was not used due to dollar limitations.

1 (13) An assessment of the most appropriate uses for the
2 design-build approach.

3 (m) (1) In order to comply with paragraph (2) of subdivision
4 (a), the State Public Works Board is required to maintain the list
5 of agencies that have applied and are eligible to be qualified for
6 this authority.

7 (2) Each agency that is interested in proceeding under the
8 authority in this section must apply to the State Public Works
9 Board. The application to proceed shall be in writing and contain
10 such information that the State Public Works Board may require.

11 (3) The State Public Works Board shall approve or deny an
12 application, in writing, within 90 days of the submission of a
13 complete application. The authority to deny an application shall
14 only be exercised if the condition set forth in paragraph (2) of
15 subdivision (a) has been satisfied.

16 (4) An agency that has applied for this authorization shall, after
17 it determines it no longer is interested in using this authority, notify
18 the State Public Works Board in writing within 30 days of its
19 determination. Upon notification, the State Public Works Board
20 may contact any previous applicants, denied pursuant to paragraph
21 (2) of subdivision (a), to inform them of the availability to proceed
22 under this section.

23 (5) The State Public Works Board may authorize no more than
24 10 projects. The board shall not authorize or approve more than
25 two projects for any one eligible redevelopment agency that
26 submits a completed application.

27 (6) The State Public Works Board shall notify the Legislative
28 Analyst's Office when 10 projects have been approved.

29 (n) On or before January 1, 2015, the Legislative Analyst shall
30 report to the Legislature on the use of the design-build method by
31 agencies pursuant to this section, including the information listed
32 in subdivision (l). The report may include recommendations for
33 modifying or extending this section.

34 (o) Except as provided in this section, nothing in this act shall
35 be construed to affect the application of any other law.

36 (p) This section shall remain in effect only until January 1, 2016,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2016, deletes or extends that date.

39 SEC. 35. Section 20998 is added to the Public Contract Code,
40 to read:

1 20998. The board of supervisors of the district may, by
2 ordinance, resolution, or board order, authorize the chief engineer
3 or other district officer to order changes or additions in the work
4 being performed under contracts made pursuant to this article in
5 an amount not to exceed:

6 (a) For contracts whose original cost is less than fifty thousand
7 dollars (\$50,000), the amount of the change or addition shall not
8 exceed five thousand dollars (\$5,000).

9 (b) For contracts whose original cost is fifty thousand dollars
10 (\$50,000), but less than two hundred fifty thousand dollars
11 (\$250,000), the amount of the change or addition shall not exceed
12 10 percent of the amount of the cost of the original contract.

13 (c) For contracts whose original cost is two hundred fifty
14 thousand dollars (\$250,000) or more, the amount of the change or
15 addition shall not exceed twenty-five thousand dollars (\$25,000),
16 plus 5 percent of the amount of the cost of the original contract
17 that is in excess of two hundred fifty thousand dollars (\$250,000).
18 In no event shall any change or addition exceed two hundred ten
19 thousand dollars (\$210,000).

20 SEC. 36. Section 21167.9 is added to the Public Resources
21 Code, to read:

22 21167.9. Any action brought in the superior court relating to
23 this division may be subject to a mediation proceeding conducted
24 pursuant to Chapter 9.3 (commencing with Section 66030) of
25 Division 1 of Title 7 of the Government Code.

26 SEC. 37. Section 21670.6 is added to the Public Utilities Code,
27 to read:

28 21670.6. Any action brought in the superior court relating to
29 this article may be subject to a mediation proceeding conducted
30 pursuant to Chapter 9.3 (commencing with Section 66030) of
31 Division 1 of Title 7 of the Government Code.

32 SEC. 38. Section 35424 of the Water Code is amended to read:

33 35424. After equitable rules and regulations for the distribution
34 of water have been published once a week for two weeks in a
35 newspaper of general circulation published in each affected county,
36 any violation thereof is a misdemeanor and the violator shall, upon
37 conviction thereof, be subject to a fine of not less than fifty dollars
38 (\$50) nor more than two hundred dollars (\$200). *When equitable*
39 *rules and regulations for the distribution of water are amended,*
40 *the district may publish a summary of the amendments to the rules*

- 1 *and regulations with an Internet address and a physical location*
- 2 *where the complete text of the amended rules and regulations may*
- 3 *be viewed.*